

Betty Marquis
26 Pine Street
Ellington, CT 06029

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut
Department of Public Health

vs.

Betty Marquis, LPN
Licensed Practical Nurse License No. 022195
Respondent.

CASE PETITION NO. 960806-011-023

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with a Statement of Charges and Motion for Summary Suspension dated September 17, 1996 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Betty Marquis (hereinafter the "Respondent") which would subject the Respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent presented a clear and immediate danger to public health and safety. On September 18, 1996, the Board ordered, pursuant to its authority under §19a-17(c) of the General Statutes of Connecticut, that the Licensed Practical Nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

The Board issued a Notice of Hearing dated September 18, 1996, scheduling a hearing for December 4, 1996 (Department Exhibit 1). The hearing took place on December 4, 1996, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Betty Marquis, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 022195 on June 1, 1987. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-A)
2. The Respondent was given due notice of the hearing and charges against her. Department Exhibit 1 indicates that the Statement of Charges and Notice of Hearing were delivered to the Respondent's attorney by certified mail on September 21, 1996.
3. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, December 4 1996, p. 2)
4. The Respondent submitted an answer to the Statement of Charges. (Respondent's Exhibit A-1)
5. From on or about 1992 to 1995, the Respondent was employed as a licensed practical nurse for Temporary Health Care, Hartford, Connecticut. From on or about 1995 to July 1996, the Respondent was employed as a licensed practical nurse at Salmon Brook Nursing and

Rehabilitation Center, Glastonbury, Connecticut. (Department Exhibit 1-B12) (Hearing Transcript, December 4, 1996, pp. 37, 47)

6. Beginning approximately the spring of 1994, while employed as a licensed practical nurse for Temporary Health Care, the Respondent diverted for her own personal use the controlled substance Tylenol with Codeine from nursing homes at which she was working. (Answer: Respondent's Exhibit A-1) (Hearing Transcript, December 4, 1996, pp. 38-40)
7. From on or about 1995 to July 1996, while working as a licensed practical nurse at Salmon Brook Nursing and Rehabilitation Center, the Respondent diverted for her own personal use the controlled substances Tylenol with Codeine, Roxicet (Oxycodone/APAP), and Morphine. (Department Exhibit 1-B)
8. While working as a licensed practical nurse at Salmon Brook Nursing and Rehabilitation Center, the Respondent falsified controlled substance administration records by documenting that substances she diverted for her own use had been administered to patients. (Department Exhibit 1-B) (Answer: Respondent's Exhibit A-1) (Hearing Transcript, December 4, 1996, p. 52-53)
9. While working as a licensed practical nurse at Salmon Brook Nursing and Rehabilitation Center, the Respondent placed saline solution in the vials from which she diverted Morphine and placed ground Tylenol in capsules from which she diverted Roxicet. The adulterated vials of Morphine and capsules of Roxicet were placed back in the narcotic drawer by the Respondent. (Department Exhibit 1-B) (Answer: Respondent's Exhibit A-1, A-3) (Hearing Transcript, December 4, 1996, pp. 33, 35, 42, 46)
10. The Respondent abused and/or excessively used the controlled substances she diverted. On occasions the Respondent self administered the controlled substances prior to reporting to work at Salmon Brook Nursing and Rehabilitation Center. (Department Exhibit 1-B) (Hearing Transcript, December 4, 1996, pp. 55-56)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Betty Marquis held a valid Licensed Practical Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The FIRST COUNT PARAGRAPH 2 of the Statement of Charges alleges that between approximately 1994 and July 1996, while working as a licensed practical nurse for Temporary Health Care, Hartford, Connecticut and subsequently Salmon Brook Nursing and Rehabilitation Center, Glastonbury, Connecticut the Respondent:

- “a. diverted morphine, Roxicet and/or Tylenol with Codeine;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or,
- c. falsified one or more Controlled Substance Receipt Records.”

The FIRST COUNT PARAGRAPH 3 of the Statement of Charges alleges that between approximately 1994 and July 1996, the Respondent has abused or excessively used morphine, Roxicet and/or Tylenol with Codeine.

The Respondent admits these charges. (Answer: Respondent's Exhibit A-1)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in performing usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals... (6) fraud or material deception in the course of professional services or activities...."

Based on its findings and the Respondent's admissions, the Board concludes that the Respondent's conduct as alleged in the First Count Paragraphs 2 and 3 of the Statement of Charges is proven and that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2)(5) and (6). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The SECOND COUNT PARAGRAPH 6 of the Statement of Charges alleges that between approximately 1995 and July 1996, while working as a licensed practical nurse at Salmon Brook Nursing and Rehabilitation Center, Glastonbury, Connecticut the Respondent substituted saline solution for morphine, and Tylenol for Oxycodone. It is further alleged that the Respondent's substitution of substances created a risk that patients would receive the incorrect substances in lieu of their prescribed medication.

The Respondent admits the charges in the Second Count Paragraph 6 with the exception that the Respondent's substitution of Tylenol for Oxycodone created a risk to patients. (Answer: Respondent's Exhibit A-1)

Based on the evidence and testimony presented the Board finds that the Respondent substituted saline for morphine, and Tylenol for Oxycodone and that the Respondent placed the adulterated medications back in a narcotic drawer. The Board concludes that the Respondent by placing the adulterated medications in a narcotic drawer created a risk that other nursing personnel could have administered incorrect substances to patients in lieu of prescribed medications.

Based on its findings, the Board concludes that the Respondent's conduct as alleged in the Second Count Paragraph 6 of the Statement of Charges is proven and that said conduct constitutes a violation of the General Statutes of Connecticut §20-99(b)(2). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for the First Count and the Second Count of the Statement of Charges, the Respondent's licensed practical nurse license, No. 022195, is revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

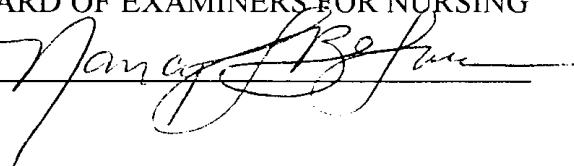
The Board of Examiners for Nursing finds the misconduct regarding the First Count and the Second Count is severable and warrants the disciplinary action imposed.

The Board of Examiners for Nursing hereby informs the Respondent, Betty Marquis, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 16th day of April 1997.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "Nancy L. Befer", is written over a horizontal line.